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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,545	10/17/2003	Natarajan Ramachandran	D-1107 R2 DIV	1132
28995	7590	11/02/2004	EXAMINER	
RALPH E. JOCKE 231 SOUTH BROADWAY MEDINA, OH 44256			FRECH, KARL D	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary**Application No.**

10/688,545

Applicant(s)

RAMACHANDRAN, NATARAJAN

Examiner

Karl D. Frech

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 38-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 60, 70 and 74 is/are allowed.
- 6) ☒ Claim(s) 1, 38-59, 61-69 and 71-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The response filed August 3, 2004 has been considered. Claims 60,65,70 have been amended and claim 74 has been added.

2. Claims 1,38-59,61-69,71-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruppert et al, US 5,640,002 in view of Hacker et al, US. 6,621,942. Ruppert discloses a hand held personal shopping device which is enabled to make financial transactions (purchases). Figure 24 illustrates the devices wireless communication means. Signature capture processing is disclosed in column 28 lines 13+. Ruppert does not specifically disclose storing a signature image within the hand held unit itself. Hacker discloses a hand held device (510) with a signature capture pad (20,520). It is disclosed in column 3 lines 50-65 that a hand written signature is entered, captured, digitized (electronic image) and recorded in the hand held device. It is disclosed in column 5 lines 43+ that a newly captured signature is verified, i.e. compared to a stored electronic image of the signature. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the signature capture, storage and verification features of Hacker in the device of Ruppert, thus allowing the device of Ruppert to self verify a user's signature and thereby increasing the versatility of the system. Ruppert and Hacker do not specifically disclose the use with an ATM. Ruppert does disclose that there is a Smart Card 510. ATM smart cards are old and well known. It would have been obvious to a person of ordinary skill in the art at the time of the invention to implement the card of Ruppert in an ATM environment in order to allow the holder of the system to use the system of Ruppert for

shopping with a user's existing ATM card. It is noted that use of ATM cards for effecting transactions in a shopping environment is also old and well known.

3. Claims 60,70,74 are allowable over the prior art of record

4. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach or fairly suggest to one of ordinary skill the hand held device being a portable telephone, along with all the other limitations as currently claimed.

5. Applicant's arguments filed August 3, 2004 have been fully considered but they are not persuasive. Applicant argues that Ruppert fails to teach or suggest "storing a signature image within the hand held unit itself" nor does he teach or suggest the "wireless(ly)" transmission of data. Applicant also argues that Hacker does not make up for these alleged shortcomings of Ruppert and even if Hacker did, it would be hindsight. The examiner respectfully disagrees. As seen in column 7 lines 20+, Ruppert specifically discloses wireless communications. The examiner maintains that it is Hacker that discloses storing the captured signature in column 3 lines 52+ and column 5 lines 41+. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA

1971). Ruppert and Hacker are both hand held electronic units with input means and therefore are of the same field.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl D Frech whose telephone number is (571) 272-2390. The examiner can normally be reached on maxi-flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2876

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Karl D Frech', written in a cursive style.

Karl D Frech
Primary Examiner
Art Unit 2876
